

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

IN RE: BARD IVC FILTERS  
PRODUCTS LIABILITY LITIGATION

This Document Relates to:

*Leona Nigh v. C.R. Bard, Inc., et al.*,  
Civil Action No. 2:19-cv-04059-DGC

No. MD 15-02641-PHX-DGC

**MOTION FOR LEAVE TO WITHDRAW  
AS COUNSEL FOR PLAINTIFF LEONA  
NIGH**

The law firm of Kelley Uustal, PLC, by and through the undersigned attorney and pursuant to Local Rule 83.3, respectfully moves for leave to withdraw as counsel of record for Plaintiff Leona Nigh. In support of its motion, Kelley Uustal, PLC states:

1. Movant, Kelley Uustal, PLC, has made several attempts to communicate with Ms. Nigh by mail, email, text message, and telephonically over the last several months but has received no response, and otherwise has been unable to locate or contact Ms. Nigh. Therefore, Movant requests leave to withdraw as counsel of record in this matter and to no longer be sent further Court notices regarding Ms. Nigh's case.
2. Movant, in previous written communication attempts, advised Ms. Nigh that Movant would have no choice but to seek to withdraw as Ms. Nigh's counsel should she continue to fail to communicate. In addition, pursuant to Local Rule 83.3(b)(2), the undersigned has attempted to notify Ms. Nigh via telephone, email, and via regular and certified mail sent to her last known address of the filing of this Motion.

3. The notices which were e-mailed and mailed to Ms. Nigh advised her that she should retain other counsel, and further advised her of the status of her case, including pending compliance with existing Court orders and the possibility for sanctions.
4. Despite the numerous attempts to reach Ms. Nigh as stated, Ms. Nigh has failed to respond. Because Ms. Nigh has failed substantially to fulfill her obligation to communicate with counsel and because her lack of communication has rendered representation unreasonably difficult, Movant has good cause to withdraw from representation in this matter.
5. Pursuant to Local Rule 83.3(b), the last known information regarding the Plaintiff is as follows:

Name: Leona Nigh

Last known residence: 12440 Cabin Drive NE, Belding, MI 48809

Last known phone number: (616) 965-5066

6. Movant certifies that withdrawal would not delay trial of this matter or otherwise prejudice the Defendants as this matter is not set for trial, nor are any dispositive motions pending or hearings set.
7. Pursuant to Local Rule 7.1(b)(2), a proposed order is attached to this motion.

WHEREFORE, Kelley Uustal, PLC and Catherine C. Darlson respectfully request that this Honorable Court grant this Motion for Leave to Withdraw as Counsel for Plaintiff Leona Nigh.

Respectfully submitted,

**KELLEY | UUSTAL**

By: /s/ Catherine C. Darlson  
Catherine C. Darlson  
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*Attorneys for Plaintiff*

**CERTIFICATION OF ATTORNEY**

I hereby certify that Plaintiff Leona Nigh cannot be located and cannot be notified directly of the pendency of this Motion or the status of her case. Notice has been attempted by email and by mailing and a copy of the Motion to the Plaintiff's last known address. I further certify that notification in writing regarding the status of the Plaintiff's case, including regarding pending compliance with existing court orders and the possibility of sanctions, was attempted to be given to Leona Nigh by email and by mailing same to her last known residential address of 12440 Cabin Drive NE, Belding, MI 48809.

I further certify that on this 22nd day of April, 2020, I electronically transmitted the foregoing document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Catherine C. Darlson  
Catherine C. Darlson  
Florida Bar No. 112440